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Human rights situations that require the Council's attention

Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of religion or belief (FoRB) in Cuba and Sudan

1. CSW wishes to bring the Council's attention to cases of discrimination on the basis of FoRB in Sudan and Cuba, with specific focus on government interference in religious affairs, and the harassment and arbitrary detention of church leaders.

2. In addition, CSW welcomes the continued efforts of the UN Independent Expert on human rights in Sudan and urges the Council to support and strengthen the mandate. Technical assistance and capacity building will only be effective if implemented alongside consideration for the human rights situation in any given country.

Interference in religious affairs

3. FoRB violations in Cuba have increased significantly in number and severity, predominantly perpetrated by the Central Committee of the Cuban Communist Party's Office of Religious Affairs (ORA), which oversees all religious activity on the island. Recent developments in Cuba's relations with the US and the EU do not appear to have affected the situation.

4. Most religious groups that existed prior to the 1959 Cuban Revolution remain registered and legally recognised by the government, including the Roman Catholic Church and large Protestant denominations such as the Presbyterians, Episcopalians, Methodists, Assemblies of God and most Baptists. However, some groups, such as the Jehovah's Witnesses and Berean Baptists, which had their registration arbitrarily rescinded in the 1970s, have not been able to re-register, while groups such as the Afro-Cuban Asociación Yorubas Libres have not registered in order to remain independent of government influence or control. Other groups which were not present prior to 1959 but have a growing presence on the island have been refused the right to register, most notably the Protestant Apostolic Movement.

5. Restrictive regulations targeting unregistered house churches in Cuba were put in place in 2006. The regulations have been implemented sporadically and to varying degrees in different parts of the country, but their existence puts house churches and their leaders in a permanently vulnerable position. In January 2015 Legal Decree 322, a piece of legislation regulating private properties and enforcing zoning laws, came into effect and has since been used by government officials to seize church property. Churches from the Eastern and Western Baptists Conventions, the Methodist Church of Cuba and the Evangelical League, among others, have all been affected.

6. Similarly, in Sudan the Ministry for Guidance and Endowments, which oversees religious affairs, announced in 2013 that no new church licences would be issued, allegedly due to a lack of worshipers and an increase in abandoned buildings. Local governments (particularly in Khartoum and Omdurman) have continued confiscating and demolishing church property, ostensibly to make way for development projects.

7. In 2016, the Ministry of Guidance and Religious Endowments recognised a newly elected but illegally convened committee of the Sudan Evangelical Presbyterian Church (SEPC). The committee has since sold church property to private investors. When church members protested they were arrested by the National Intelligence and Security Services (NISS).

8. In May 2017, Younan Abdulla, a 28 year-old SEPC elder was murdered when members of the illegally-convened committee attacked peaceful protesters demonstrating against the sale of church land.

Church Demolitions

9. Prior to South Sudan's secession in 2011, the Soba Aradi District of Khartoum State had 13 churches representing diverse denominations. On 7 May 2017, authorities demolished the last remaining church in the Soba Aradi district of Khartoum State, which had also been listed in the June 2016 order. Since 2011, 12 churches have been demolished in the district, ostensibly under a government planning and re-development programme.

10. On 11 February 2018, a SEPC church in El Haj Yousif, Khartoum North, was demolished by Sudanese security agents. Witnesses reported that at least three police trucks arrived at the church without notice moments after the service had ended, and security personnel proceeded to clear and confiscate property, including chairs, bibles and musical instruments, before demolishing the church. The church, which has used the building as a place of worship since 1989, was one of 25 earmarked for demolition in an official order signed in June 2016.

11. These incidents have occurred despite provisions in Article 6 of Sudan's 2005 Interim Constitution listing sundry rights, not only for individuals, but also for religious communities, including the right to own property. The lasting effect of these policies is that the number of legally recognised Christian places of worship is being steadily reduced in violation of the constitutional right to establish and maintain places of worship.

12. In Cuba, approximately 2,000 churches linked to the Assemblies of God (AoG) denomination were declared illegal under Decree 322 in 2015. The Cuban government initiated a process of expropriation of 1400 of them, and designated 100 in three provinces for demolition. The situation remained unchanged until May 2017, when government officials gave verbal assurances to the AoG leadership they would no longer proceed with the confiscation of the churches, and presented them with paperwork rescinding the demolition order for one church which they had already attempted to destroy.

13. In 2016, four large churches linked to the Apostolic Movement in Cuba were destroyed in large-scale operations involving the blocking of streets, the deployment of police and state security agents, and the arbitrary detention of the pastors and owners of the properties for the duration of the demolitions. Church leaders also reported that property belonging to the church, such as benches, musical instruments and audio equipment, was confiscated.

Harassment and arbitrary detention of church leaders

14. Religious leaders in both Sudan and Cuba report being regularly subjected to close surveillance and harassment by authorities. Examples include arbitrary fines, interrogation, home visits by officials, and restrictions on travel and the freedom to carry out pastoral duties.

15. In August 2016, the Ministry of Guidance and Religious Endowments in Sudan appointed an unelected committee to manage the Sudan Church of Christ's (SCOC's) affairs. Nine church leaders were arrested and accused of trespass for refusing to hand over the church's headquarters to the unelected committee.

16. Individuals are regularly detained, sometimes incommunicado, for prolonged periods without trial. Reverend Hassan Abduraheem and Darfuri activist Abdulmonem Abdumawla were held for over a year before being unjustly convicted and sentenced in January 2017 to 12 years in prison for 'inciting hatred between sects' and 'propagating false news'. The two were released on 11 May 2017, after receiving a presidential pardon. Their case is emblematic of the government policy of targeting religious and ethnic minorities on spurious grounds,

while pending criminal proceedings are used by the security apparatus to intimidate religious leaders and church members.

17. In Cuba, the government has long employed the strategy of targeting family members of religious leaders and activists as a means of placing additional pressure on them. In 2017, the two adult children of Leonardo Rodriguez Alonso, a FoRB human rights defender, were arbitrarily fired from their positions at two universities. In her dismissal, Mr Rodriguez Alonso's daughter was told that she was being fired because she was a poor moral influence on students.

18. In February 2017, Pastor Ramon Rigal and his wife were arrested following their attempt to home school their children for religious reasons. Their sentences were later reduced to house arrest.

19. Members of independent Afro-Cuban religions such as the Asociación Yorubas Libres also report regular harassment. According to their leaders, many Yoruba priests have been subjected to ridicule in the workplace because of their beliefs. One teacher was fired from his job after a supervisor noted that someone like him who held 'primitive beliefs' should not be teaching children. Some leaders have also reported raids by the political police in which the statues of saints, which they venerate, were thrown out of their homes.

20. The police regularly make use of 'Actas de Advertencia', a form of pre-arrest warrant which can be used to justify future arrests and criminal charges, and to restrict travel. In September 2017, Pastor Ernesto Lora was forced to sign an Acta de Advertencia after holding an interdenominational worship service in the city square in El Cristo, Santiago Province, despite having obtained permission beforehand.

Recommendations

21. Encourage the State Parties to fully implement constitutional provisions detailing the protection and promotion of FoRB and related rights, including freedom of expression, association and assembly.

22. Encourage State Parties to engage positively with, and issue standing invitations to all relevant Special Procedures mandate holders, granting them unhindered access to the respective countries.

23. Call on the State Parties to reinstate legal status to any religious groups whose registration was revoked arbitrarily, to ensure that all other religious groups or institutions seeking to register are able to do so, and ensure adequate protection for churches and other religious buildings when formulating regeneration and redevelopment projects.

24. Urge the State Parties to protect religious minorities and human rights defenders from arbitrary arrest, expulsion from education, termination of employment, arbitrary travel restrictions and all other forms of harassment.